

Meeting Notes
Tenant Work Group
Tuesday, April 28, 2009
6:30-8:30pm
Executive Conference Room
101 Monroe Street
Rockville, MD 20850

Work Group Members in attendance: Matt Losak (Chair), Maureen Ross, Guy Johnson, Rick Nelson, Harrietta Kelly, Dale Tibbitts, Parag Khandhar, Alice Wilkerson

Via Conference Call: Lesa Hoover, Felicia Eberling

Staff participants: Megan Moriarty, IMPACT Silver Spring; Debbie Spielberg, County Council; Patrice Cheatham, DHCA; Dan McHugh, Code Enforcement, DHCA; Joe Giloley, Office of Landlord-Tenant Affairs (OLTA), DHCA; Nowelle Ghahhari, County Attorney.

Agenda

- Code Review Session
- Update on survey
- Committee reports
- Other business
- Public Comment

Notes:

Matt Losak called the meeting to order at 6:30pm. The previous meeting's minutes were reviewed and approved. Nowelle Ghahhari, Dan McHugh and Joe Giloley introduced themselves.

Nowelle reviewed the complaint process: calls come in and tenants are advised to fill out a complaint form first, which is then sent to the landlord who has 7 days to resolve the problem. If it cannot be resolved by then, the complaint along with a copy of the lease is forwarded to OLTA. A case is opened and assigned to an investigator who contacts both parties and reviews all relevant documentation. The investigator sets up a conciliation meeting between the landlord and the tenant. These meetings are confidential and not mandatory to attend, but they must be convened. 96% of complaints are resolved by that point in the process and a settlement agreement that is enforceable in court is drafted and signed. If conciliation is not successful, the investigator drafts a report on the case and at its next meeting the Landlord-Tenant Commission votes on whether or not to take jurisdiction. If the Commission hears the case, it is scheduled and subpoenas and notices are sent. During the hearing, witnesses are called and can be cross examined. If the Commission declines to take up the case it is closed. During this process, the investigators try to have the landlords continue the status quo, but that is not stipulated in the code and is done at the discretion of the investigator.

The Commission has 15 members (5 are tenants, 5 are landlords, and 5 are members of the public). A standard complaint is heard by 3 members. In general, the Commission receives

40 cases a year and makes 10-12 decision orders a year. If either party appeals a decision, the entire process repeats, but less than 10 cases in 10 years have been appealed.

Closed cases are no longer under OLTA's jurisdiction. Tenants are not required to go through OLTA first and they could go to District Court. Tenants do not need counsel to go before commission, but they can bring counsel.

Rockville, Takoma Park, Gaithersburg have their own laws and commissions.

DHCA has data on the number and types of complaints and can provide it to the work group. Joe is not sure about any complaint trends except that more people are walking in with real housing issues and staff is trying to keep people in housing. They do not have data on language or nationality. There are two different kinds of landlords - single and multi family. Security deposit complaints are usually filed against single family landlords and the wear and tear handbook was designed for this reason.

The OLTA has 6 investigators, a manager, and administrative aides.

Felicia asked about people who call the OLTA with rent increase issues, but then do not follow through with a complaint. OLTA staff can help renters negotiate a lower rent increase.

There is no code that governs smoking in buildings and rent increases.

For maintenance issues, code enforcement will send an inspector and coordinates with the OLTA. These two offices work together, but autonomously. In many cases, there could be citations from CE. For time sensitive violations, investigators can have a contractor fix the problem immediately. Pest and infestation issues can be difficult to determine who is at fault. Generally, the owner of the property is responsible.

There is no code that requires cause to be given for an eviction. Landlords will not do this unless there is a reason. Staff can intervene and try to solve the underlying issue. In cases of suspected retaliation, staff can look at the timeline of tenant actions and the notice to vacate. Rick noted that retaliatory evictions are hard to prove and there is a prohibition against them. He feels Maureen's situation was an anomaly. Landlords must have cause to evict a tenant during the lease term.

In terms of code for senior and disabled housing, the Americans with Disabilities Act requires landlords to provide "reasonable accommodations". Complaints of that variety should be directed to Joe.

Dale asked if the code requires detailing a tenant and landlords rights and responsibilities in the lease. Only part of the information contained in the handbook is required to be in the lease, such as who is responsible for utilities, right to interest on deposit. Chapter 9 requires that the landlord must inform tenant how they can review the rental license, which has information for a local agent.

Condo conversion process: owner must issue a notice of intent to convert to condo at least 180 days prior. This is governed by Title 11 of State Law; the County has its own law -

Chapter 11A. The tenant has the right to buy the unit they live in and expanded rights exist for seniors, disabled and low-income residents (20% of units can be protected this way). The owner cannot change the price for 180 days and must provide relocation benefits.

There are no security/safety requirements in the code except there are door locks on apartment doors and the front door to the building must lock. In general, if there is a security measure in place, it must work.

Inspections occur on a tri-annual basis for multi-family units. In Takoma Park units are inspected every year. Certain areas in County may be inspected more frequently based on complaints or serious cases. Rehabed buildings have to meet current building codes. HOC rental properties are licensed by County, so are inspected in the same way.

New buildings must provide a certain number of parking spaces based on zoning, but the code does not specify whether parking must be offered to tenants.

Follow-up questions:

Can tenants come before the Commission in a group?

How is the handbook distributed?

How many people requested complaint forms, but never filed a complaint?

How should code be changed to improve quality of life for renters?

The group then discussed possible survey questions and ranked the additional questions for the contractors to use.

Matt adjourned the meeting at 9:30pm.

Upcoming Work Group Meetings:

Tuesday, May 12, 6:30pm, County Executive's conference room

Tuesday, May 26, 6:30pm, County Executive's conference room